

(a) and capable of expressing said protein; and

C1 c) a *Lactobacillus* strain expressing protein (a) having fructosyltransferase activity,

wherein said reaction partner interacts with sucrose to produce a fructo-oligosaccharide or fructo-polysaccharide.

Cancel claim 16.

Amend claim 18 as follows:

C2 18. (amended) The process according to claim 15, wherein said protein produces a fructan and/or fructo-oligosaccharide $\beta(2-1)$ linked D-fructosyl units and/or a fructan and/or fructo-oligosaccharide having $\beta(2-6)$ linked D-fructosyl units.

Amend claim 20 as follows:

C3 20. (amended) A process according to claim 16, further comprising chemically modifying said oligosaccharide or polysaccharide by simultaneous 3- and 4-oxidation, by 1-or 6-oxidation, phosphorylation, acylation, hydroxyalkylation, carboxymethylation, amino-alkylation of one or more anhydrofructose units, or by hydrolysis.

Amend claim 22 as follows:

C4 22. (amended) The process according to claim 15,

C4 further comprising adding to said mixture a *Lactobacillus* strain capable of producing an oligosaccharide or polysaccharide and optionally a food-grade vehicle, to obtain a synbiotic composition.

Amend claim 23 as follows:

C5 23. (amended) A process of producing a fructo-oligosaccharide or fructo-polysaccharide, having $\beta(2-1)$ linked D-fructosyl units or having $\beta(2-6)$ fructosyl units comprising combining sucrose and a protein to form a mixture, said protein having fructosyltransferase activity, which exhibits at least 85% amino acid identity, as determined by a BLAST algorithm, with an amino acid sequence of SEQ ID No. 1 or 11, and

interacting said sucrose with said protein to produce said fructo-oligosaccharide or fructo-polysaccharide.

REMARKS

It is believed that the present application has been amended in a manner that places it in condition for allowance at the time of the next Official Action.

In the outstanding Official Action, claim 23 was objected to for containing several informalities. Claim 23 has been amended in accordance with the Examiner's suggestion. Thus, it is believed that the objections to claim 23 have been